

PROB 12C
(7/93)

United States District Court
for
District of New Jersey

Petition for Warrant for Offender Under Supervision

Name of Offender: Marcus Cherry

Docket Number: 05-00885-001
PACTS Number: 22158

Name of Sentencing Judicial Officer: HONORABLE WILLIAM H. WALLS, United States District Judge

Date of Original Sentence: July 14, 1999

Original Offense: Distribution of Cocaine and Cocaine Base (3 counts)

Original Sentence: 72 months imprisonment; 4 years supervised release.

Violation of supervised release: 7 months imprisonment, 1 year supervised release.

Violation of supervised release: Continued supervised release with condition offender shall reside for a period of 3 months in a community corrections center.

Type of Supervision: Supervised release

Date Supervision Commenced: 03/27/04

Assistant U.S. Attorney: Shawna Chen, 970 Broad Street, Room 502, Newark, New Jersey 07102, (973) 645-2700

Defense Attorney: Stacy Biancamano, 972 Broad Street, 2nd Floor, Newark, New Jersey 07102, (973) 645-6347

PETITIONING THE COURT

To issue a warrant
 To issue a summons

The probation officer believes that the offender has violated the following condition of supervision:

Violation Number Nature of Noncompliance

1. The offender has violated the supervision condition which states 'The defendant shall reside for a period of 3 months in a community corrections center, halfway house or similar residential facility and shall observe all the rules of that facility. The defendant shall not be eligible for weekend privileges. The defendant shall pay subsistence as required by the program.' Cherry departed the Toler House community corrections center in Newark on June 9, 2008 without authorization.
2. The offender has violated the supervision condition which states 'You shall notify the probation officer within 72 hours of any change of residence or employment.' On June 9, 2008, Cherry left the Toler House community corrections without authorization, and he did not return thereafter. He did not notify the probation officer of his residence change within 3 days or at any time thereafter. The offender is an absconder and his whereabouts is unknown.

3. The offender has violated the supervision condition which states 'The defendant shall refrain from the illegal possession and/or use of drugs and shall submit to urinalysis or other forms of testing to ensure compliance. It is further ordered that the defendant shall submit to drug treatment, on an outpatient or inpatient basis, as directed by the U.S. Probation Office. The defendant shall abide by the rules of any program and shall remain in treatment until satisfactorily discharged with the approval of the U.S. Probation Office.' Cherry has failed to comply with the Integrity Drug Program of Newark in that he has ceased attending required sessions.

I declare under penalty of perjury that the foregoing is true and correct.

Thomas Stone
By: Thomas Stone
Senior U.S. Probation Officer /
Intensive Supervision Specialist

Date: 6/23/08

THE COURT ORDERS:

The Issuance of a Warrant
 The Issuance of a Summons. Date of Hearing: _____.
 No Action
 Other

EEJ/MS
Signature of Judicial Officer

26 June 2008
Date